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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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RAMAN, USHA				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/891,380

**Applicant(s)**

AXELSSON ET AL.

**Examiner**

USHA RAMAN

**Art Unit**

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-17,27,28 and 30-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-17,27,28 and 30-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 17<sup>th</sup>, 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed September 17<sup>th</sup>, 2008 have been fully considered but they are not persuasive.

Applicant's arguments (see Remarks, pages 10-11) stating that, "looking specifically to claim 1, the 'program selected' for transmission by the claimed 'transmission means' allegedly taught by Finseth is selected with a 'user input receiver configured to receive an input from a user selecting a desired program scheduled to be available in the future fro the first receiver'" and that, "such a program that is 'scheduled to be available in the future' for recording, viewing or reminding refers to programs before starting and is not taught, described or suggested anywhere in Finseth or any other art of record" have been noted. Examiner however respectfully disagrees. Applicant however appears to have mischaracterized the rejection. In particular, Ellis is relied upon for the disclosure of

"user input receiver configured to receive an input from a user selecting a desired program scheduled to be available the future" (see [0086] and [0122]). That is, Ellis clearly discloses a method of a user at a first EPG device selecting a future program and sending a message (such as reminder notifications) regarding the selected programs. Ellis is silent on the whether or not the first EPG device is also capable of receiving the selected programs. Finseth is relied upon for step of transmitting recommendation/reminder messages from a first program guide system that can receive programs to a second program guide system that can also receive programs. See column 12, lines 33-35 and column 17, lines 59-65. The modified system of therefore allows a user at a first EPG device capable of receiving programs to select programs as reminders/recommenders to a second EPG device also capable of receiving programs.

For these reasons stated above, the rejection is maintained.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 2, 5-7, 9-17, 27, 30, 32, 34, and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775) and Collins et al. (US Pat. 6,424,828).

With regards to claim 1, 30, 32, Ellis discloses an apparatus comprising a first EPG at a first location comprising a user input configured to receive an input selecting a desired program (user selects a program listing using control device, see [0122]) for transmitting as a reminder to a second STB at a remote location (see [0086], [0087]). Ellis additionally discloses such reminders include upcoming program reminders and therefore teaches the step of "selecting a desired program scheduled to be available in the future". See [0007], [0086]. The apparatus further comprises transmission means (communications device 51) for transmitting a notification of a program selected to the second remote apparatus comprising an EPG memory connected to a second receiver (22). Ellis further discloses the step of transmitting an alert message indicating the notification forwarded to a mobile handset (see [0059]) and therefore teaches the step of "transmitter also is configured to transmit an alert message indicating notification to be forwarded to a mobile handset". Therefore, Ellis discloses that the user may send remote notifications from one remote program guide memory (such as on a computer) to a second program guide memory (such as a STB, see [0070], "the two guides maybe different guides that communicate in a manner or manners discussed and disclosed herein") and additionally discloses that a notification is transmitted in response to the user selecting a desired program scheduled to be available in the future. Ellis is however silent on the step of the first device that can receive the broadcast program and is further silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset. In an analogous art, Finseth discloses a method of

sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38, column 17 lines 59-65. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the "notifications" in the system of Ellis. In a similar field of endeavor, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regards to claim 2, Ellis discloses that the communications means is a network modem (see [0057]).

With regard to claim 5, Ellis discloses that the transmission means is arranged to transmit the notification as an electronic mail to the remote electronic program guide system (see [0087], [0124]).

With regards to claim 6, Ellis discloses that the notification includes information indicating the program selected from the EPG (see fig. 9, and [0087]).

With regards to claims 7 and 9, Ellis discloses that the user can remotely record a program. The system therefore comprises a remote notification including recording parameters for the program selected from the electronic program guide.

With regard to claim 10, the recording instructions (commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

With regard to claims 12, and 38, Ellis discloses that reminders maybe issued on all remote program guide access devices available to the user and therefore shows transmitting notification to a plurality of remote EPG systems (see [0086]).

With regards to claim 13, Ellis discloses that the EPG system is incorporated into an integrated receiver decoder (see [0049], [0051], [0055]).

With regards to claim 14, the Ellis discloses that the EPG system is incorporated into a STB (see [0049]).

With regards to claim 15, Ellis discloses that the EPG system is incorporated into a mobile handset (see [0059]).

With regards to claim 16, Ellis discloses that the EPG system is incorporated into a television receiver (see [0049])

With regards to claim 17, Ellis discloses that the EPG system is incorporated into a mobile display appliance (see [0059]).

With regards to claim 11, Ellis is silent on the step of obtaining a user acceptance of notification before generating the recording instructions. Examiner takes Official Notice that it was well known in the art at the time of the invention to confirm recording options or changes before generating recording instructions. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Ellis in view of Collins by prompting the user to confirm recording options prior to generating recording instructions, thereby ensuring the correct parameters are present. By confirming recording options, a user accepts the notification before generating the recording instructions.

With regards to claim 27, Ellis discloses that steps of:

Providing an EPG for identification of a program of interest (obtain program listings, [0120]);

Providing selection options for a desired program scheduled to be available in the future from the EPG (user selects a program listing; see [0122], [0086]);

Creating a notification of the program selected from the EPG (reminder is scheduled by a user, see [0123]);

Obtaining transmission of the notification of the program selected from the EPG to at least one remote EPG system (reminder maybe scheduled by a user with a local guide, transmitted to a remote program guide access device and displayed by the remote access guide on remote guide access device, see [0085]); and

Obtaining transmission of an alert message (email message) indicating the notification to be forwarded to a mobile handset (the reminder is sent as email

messages from interactive television program guide to remote program guide access device 24, see [0087] and [0124]). Therefore, Ellis discloses that the user may send remote notifications from one remote program guide memory (such as on a computer) to a second program guide memory (such as a STB, see [0070], "the two guides maybe different guides that communicate in a manner or manners discussed and disclosed herein") and additionally discloses that a notification is transmitted in response to the user selecting a desired program scheduled to be available in the future. Ellis is however silent on the step of the first device that can receive the broadcast program.

In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the "notifications" in the system of Ellis.

While Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset.

In a similar field of endeavor, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235)

and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regard to claim 34, the modified system further comprises receiving the notification as an email. See Ellis: [0087] and [0124]).

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828).

With regards to claim 28, Ellis discloses that steps of:

Providing an EPG for identification of a program of interest (obtain program listings, [0120]);

Providing selection options for a desired program scheduled to be available in the future from the EPG (user selects a program listing; see [0122], see [0086];

Creating a notification of the program selected from the EPG (reminder is scheduled by a user, see [0123]);

Obtaining transmission of the notification of the program selected from the EPG to at least one remote EPG system (reminder maybe scheduled by a user with

a local guide, transmitted to a remote program guide access device and displayed by the remote access guide on remote guide access device, see [0085]); and

Obtaining transmission of an alert message (email message) indicating the notification to be forwarded to a mobile handset (the reminder is sent as email messages from interactive television program guide to remote program guide access device 24, see [0087] and [0124]).

While Ellis discloses that an email reminder message or alphanumeric page maybe generated by the local program guide system and sent to the remote program guide device that include mobile handsets, Ellis is silent on the step of transmitting the notification message to a SMS server to be forwarded as a SMS to the mobile handset.

In a similar field of endeavor, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset,

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

6. Claims 3, 8, 33 and 35, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775) and Collins et al. (US Pat. 6,424,828) and Haken (US PG Pub. 2004/0008972).

With regard to claims 3, and 33, the modified system fails to teach an authorization means for determining if a notification received originated within an authorization remote electronic program guide system.

In a similar filed of endeavor, Haken teaches including an authorization means (i.e. comparing recommendations for flagged user names) or for determining if a notification received originated within an authorized remote electronic program guide system. See Haken: [0032], [0034]. One of ordinary skill in the art can utilize this feature determine whether monitor remote notifications to filter out inappropriate reminders sent from un trusted sources and keeping notifications sent from reliable or trusted sources.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regards to claims 8, and 35, once a source of the notification has been deemed reliable, then it would be obvious to further authorize the recording of the program so that the user can view it at a later time.

7. Claim 31, 36 and 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Finseth et al. (US Pat. 6,813,775) and Collins et al. (US Pat. 6,424,828) and Corliss (US Pat. 6,771,949).

With regards to claim 31, Ellis discloses a method of receiving a notification of a program scheduled to be available in the future selected from the EPG in a remote EPG system (reminder sent to the user via an alphanumeric pager; see [0124], see [0086]). Ellis discloses that the user may send remote notifications from a remote program guide on a computer to a STB but fails to disclose the step of the first device being a receiver receiving the selected program and is further silent on transmitting the alert to an SMS sever to be forwarded as an SMS to a mobile handset. In an analogous art, Finseth discloses a method of sending recommendation from one viewing terminal to another. Accordingly Finseth discloses sharing recommendations among users of plurality of receivers remotely. See column 12, lines 33-38. Such recommendations transmitted from a first device (64) comprising a first EPG memory to a second device (34) comprising a second EPG memory are analogous to the "notifications" in the system of Ellis. In a similar field of endeavor, Corliss (US Pat. 6,771,949) discloses an alphanumeric pager receiving alphanumeric messages via SMS (column 7, lines 25-40). All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

With regards to claim 36, the recording instructions (commands) are generated to a recording device associated with the EPG system based on the notification (see Ellis: [0110], [0105], [0132]).

With regards to claim 37, the modified system is silent on the step of obtaining a user acceptance of notification before generating the recording instructions. Examiner takes Official Notice that it was well known in the art at the time of the invention to confirm recording options or changes before generating recording instructions.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Ellis in view of Collins by prompting the user to confirm recording options prior to generating recording instructions, thereby ensuring the correct parameters are present. By confirming recording options, a user accepts the notification before generating the recording instructions.

### ***Conclusion***

8.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cooper et al. (US Pat. 6,754,904) figure 6 and column 4 lines 28-49 and column 6 lines 6-13.

9.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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